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100TH CONGRESS *1st Session* | SENATE | REPORT 100-86

RECREATION FEE LEGISLATION

JUNE 24, 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1320]

The Committee on Energy and Natural Resources, to which was referred the Act, H.R. 1320, to amend the Land and Water Conservation Fund Act of 1965, and for other purposes, having considered the same, reports favorably thereon with an amendment to the text and recommends that the Act, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Land and Water Conservation Fund Act Amendments of 1987".

SEC. 2. PARK SYSTEM ADMISSION FEES; USE OF RECEIPTS.

(a) Section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)), is amended as follows:

(1) Paragraph (1) is amended by striking out "$10" and inserting in lieu thereof "$25" in the first sentence.

(2) Paragraph (1) is further amended by striking out "(1)" and inserting in lieu thereof "(1)(A)" and adding the following new subparagraph:

"(B) For admission into a specific designated unit of the National Park System, or into several specific units located in a particular geographic area, the Secretary is authorized to make available an annual admission permit for a reasonable fee. The fee shall not exceed $15 regardless of how many units of the park system are covered. The permit shall convey the privileges of, and shall be subject to the same terms and conditions as, the Golden Eagle Passport, except that it shall be valid only for admission into the specific unit or units of the National Park System indicated at the time of purchase.".

(3) Paragraph (2) is amended by adding the following sentences at the end thereof: "The fee for a single-visit permit at any designated area applicable to those persons entering by private, noncommercial vehicle shall be not more than $5 per vehicle. The single-visit permit shall admit the permittee and all persons accompanying him in a single vehicle. The fee for a single-visit permit

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at any designated area applicable to those persons entering by any means other than a private noncommercial vehicle shall be no more than $3 per person. The maximum fee amounts set forth in this paragraph shall apply to all designated areas.".

(4) Paragraph (3) is amended by adding the following new sentence at the end thereof: "Notwithstanding any other provision of this Act, no admission fee may be charged at any unit of the National Park System which provides significant outdoor recreation opportunities in an urban environment and to which access is publicly available at multiple locations.".

(5) Add the following new paragraphs:

"(6)(A) No later than 60 days after the date of enactment of this paragraph, the Secretary of the Interior shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report on the entrance fees proposed to be charged at units of the National Park System. The report shall include a list of units of the National Park System and the entrance fee proposed to be charged at each unit. The Secretary of the Interior shall include in the report an explanation of the guidelines used in applying the criteria in subsection (d).

"(B) Following submittal of the report to the respective committees, any proposed changes to matters covered in the report, including the addition or deletion of park units or the increase or decrease of fee levels at park units shall not take effect until 60 days after notice of the proposed change has been submitted to the committees.

"(7) No admission fee may be charged at any unit of the National Park System for admission of any person 16 years of age or less.

"(8) No admission fee may be charged at any unit of the National Park System for admission of organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

"(9) No admission fee may be charged at the following units of the National Park System: Statue of Liberty National Monument, U.S.S. *Arizona* Memorial, and Independence National Historical Park.

"(10) For each unit of the National Park System where an admission fee is collected, the Director shall annually designate at least one day during periods of high visitation as a 'Fee-Free Day' when no admission fee shall be charged.

"(11) In the case of the following parks, the fee for a single-visit permit applicable to those persons entering by private, noncommercial vehicle (the permittee and all persons accompanying him in a single vehicle) shall be no more than $10 per vehicle and the fee for a single-visit permit applicable to persons entering by any means other than a private noncommercial vehicle shall be no more than $5 per person: Glacier National Park, Yellowstone National Park, and Grand Teton National Park. In the case of Yellowstone and Grand Teton, a single-visit fee collected at one unit shall also admit the vehicle or person who paid such fee for a single-visit to the other unit.".

(b) Section 4(f) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(f)) is amended to read as follows:

"(f) The head of any Federal agency, under such terms and conditions as he deems appropriate, may contract with any public or private entity to provide visitor reservation services. Any such contract may provide that the contractor shall be permitted to deduct a commission to be fixed by the agency head from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency.".

(c) Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a) is amended by adding the following new subsections at the end thereof:

"(i) Except as otherwise specifically provided by law, all receipts from fees collected pursuant to this section by any Federal agency (or by any public or private entity under contract with a Federal agency) shall be covered into a special account for that agency established in the Treasury of the United States. Notwithstanding any other provision of law, amounts covered into such special account for each such agency during each fiscal year shall be available without further appropriation for obligation or expenditure by the agency after the end of such fiscal year, to be used for resource protection, research, interpretation and maintenance activities related to resource protection at facilities managed by that agency at which outdoor recreation is available. The preceding sentence shall not apply in the case of fees collected by the National Park Service (or by any public or private entity under contract with the National Park Serivce). That portion of the special account consisting of revenue from fees collected by the Bureau of Land Management from the issuance of

special recreation permits for private and commercial water-based recreational activities (including but not limited to white water rafting, kayaking, and canoeing) shall be expended by such agency for on-the-ground resource protection, visitor services, recreational facilities, and other purposes directly related to such recreational activities. Amounts covered into the special account for the National Park Service during each fiscal year shall be allocated among park system units in accordance with subsection (j) in the first fiscal year after the year in which such funds are covered into the special account. Notwithstanding any other provision of law, such amounts shall be available without further appropriation for obligation or expenditure by the Director of the National Park Service for the following purposes:

"(1) In the case of receipts from the collection of admission fees: for resource protection, research, and interpretation at units of the National Park System.

"(2) In the case of receipts from the collection of user fees: for resource protection, research, interpretation, and maintenance activities related to resource protection at units of the National Park System.

"(j)(1) Fifteen per centum of the funds made available to the Director of the National Park Service under subsection (i) in each fiscal year shall be allocated among units of the National Park System on the basis of need in a manner to be determined by the Director.

"(2) Thirty-five per centum of the funds made available to the Director of the National Park Service under subsection (i) in each fiscal year shall be allocated among units of the National Park System in accordance with paragraph (3) of this subsection and 50 per centum shall be allocated in accordance with paragraph (4) of this subsection.

"(3) The amount allocated to each unit under this paragraph for each fiscal year shall be a fraction of the total allocation to all units under this paragraph. The fraction for each unit shall be determined by dividing the operating expenses at that unit during the prior fiscal year by the total operating expenses at all units during the prior fiscal year.

"(4) The amount allocated to each unit under this paragraph for each fiscal year shall be a fraction of the total allocation to all units under this paragraph. The fraction for each unit shall be determined by dividing the user fees and admission fees collected under this section at that unit during the prior fiscal year by the total of user fees and admission fees collected under this section at all units during the prior fiscal year.

"(k) When authorized by the head of the collecting agency, volunteers at designated areas may sell permits and collect fees authorized or established pursuant to this section. The head of such agency shall insure that such volunteers have adequate training regarding (1) the sale of permits and the collection of fees, (2) the purposes and resources of the areas in which they are assigned, and (3) the provision of assistance and information to visitors to the designated area. The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the collecting agency may be used to cover the cost of any such surety bond. The head of the collecting agency may enter into arrangements with qualified public or private entities pursuant to which such entities may sell (without cost to the United States) annual admission permits (including Golden Eagle Passports) at any appropriate location. Such arrangements shall require each such entity to reimburse the United States for the full amount to be received from the sale of such permits at or before the agency delivers the permits to such entity for sale.

"(l)(1) Where the National Park Service provides transportation to view all or a portion of any unit of the National Park System, the Director may impose a charge for such service in lieu of an admission fee under this section. The charge imposed under this paragraph shall not exceed the maximum admission fee under subsection (a).

"(2) Notwithstanding any other provision of law, half of the charges imposed under paragraph (1) shall be retained by the unit of the National Park System at which the service was provided. The remainder shall be covered into the special account referred to in subsection (i) in the same manner as receipts from fees collected pursuant to this section. Fifty per centum of the amount retained shall be expended only for maintenance of transportation systems at the unit where the charge was imposed. The remaining 50 per centum of the retained amount shall be expended only for activities related to resource protection at such units.

"(m) Where the primary public access to a unit of the National Park System is provided by a concessioner, the Secretary may charge an admission fee at such units only to the extent that the total of the fee charged by the concessioner for access to

the unit and the admission fee does not exceed the maximum amount of the admission fee which could otherwise be imposed under subsection (a).".

(d) Title I of Public Law 96-514 is amended by striking out the following: "Notwithstanding the provisions of Public Law 90-401, revenues from recreation fee collections by Federal agencies shall hereafter be paid into the Land and Water Conservation Fund, to be available to appropriation for any or all purposes authorized by the Land and Water Conservation Fund Act of 1965, as amended, without regard to the source of such revenues.".

(e) Section 402 of the Act of October 12, 1979 (93 Stat. 664), is hereby repealed.

(f)(1) The Secretary of the Interior shall assess the extent to which traffic congestion and overcrowding occurs at certain park system units during times of seasonally high usage and shall conduct a study of the following:

(A) the feasibility of reducing vehicular traffic within national park system units through fee reductions for visitors traveling by bus and through other means which could shift visitation from automobiles to buses; and

(B) the feasibility of encouraging more even seasonal distribution of visitation.

(2) The study shall include a pilot project to be carried out in Yosemite National Park. For purposes of such pilot project, the Secretary may reduce the fees for admission of various classes or categories of visitors to Yosemite National Park and may reduce the admission fees imposed at the park during seasons with low visitation. A report containing the results of the study shall be transmitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate within 3 years after the enactment of this Act.

SEC. 3. EXTENSION OF LAND AND WATER CONSERVATION FUND.

Section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601 and following) is amended as follows:

(1) In the matter preceding subsection (a), strike "1989" and substitute "2015".

(2) In subsection (c)(1), strike the phrase "fiscal year 1977," and all that follows and insert the following new language: "fiscal year 1977; $900,000,000 for fiscal year 1978 and each fiscal year thereafter through September 30, 1989; and $1,000,000,000 for fiscal year 1990 and each fiscal year thereafter through September 30, 2015.".

SEC. 4. EFFECTIVE DATE.

Notwithstanding any other provision of law, the provisions of this Act shall become effective on October 1, 1987.

Purpose of the Measure

The primary purpose of H.R. 1320 is to provide permanent authority for the imposition of new fees and increases in existing fees for admission into units of the National Park System. The bill also provides for an extension of the authorization for the Land and Water Conservation Fund.

Background and Need

The collection of fees from users of national parks and recreation areas dates back to 1908, when fees for automobiles were instituted at Mount Rainier National Park. Over the next half century the fee collection system grew in national parks and spread to other Federal land managing agencies through a series of special laws, regulations and administrative decisions. No specific authorization in law existed to support the expansion of recreation fee collections.

The Land and Water Conservation Fund Act of 1965 (Public Law 88-578) was the first legislation to authorize a uniform fee system for outdoor recreation at all Federal recreation areas. Through enactment of 8 different measures in the last 20 years, the fee provi-

sions of the LWCF Act have been substantially modified through a series of sometimes conflicting amendments.

Currently, seven Federal land managing agencies (Bureau of Land Management, Bureau of Reclamation, Corps of Engineers, Fish and Wildlife Service, Forest Service, National Park Service, and Tennessee Valley Authority) are authorized to charge fees at areas where specialized outdoor recreation facilities, equipment, or services are provided at Federal expense.

The seven Federal land-managing agencies involved in the fee program are authorized to collect one or more of three types of recreation fees: user, special permit, and entrance (admission) fees.

User fees are charged by all seven agencies for the use of specialized sites. Examples of user fees include: camping, specialized boat launching facilities, and parking fees. Large group activities, special recreational events, other recreational activities are examples of uses for which a special permit fee might be charged.

The National Park Service is the only agency to collect entrance fees although the Forest Service has authority to charge an entrance fee at designated National Recreation Areas. Entrance fees are charged for gaining access to designated national park units.

The imposition of higher entrance fees for units of the National Park System has been a major issue before the Congress for almost 10 years. Entrance fees at park units were frozen by Congress in 1979 in response to an attempt by the Carter Administration to significantly increase fees and to use the revenues generated as a direct offset for a proposed reduction in maintenance funding for the parks. At the time of the freeze, the maximum charge per vehicle was $3 at Yosemite National Park. However, most of the fees for vehicles and individuals ranged between 50 cents and $2.

Since President Reagan took office in 1981, a major policy initiative of the Administration has been the repeal of the fee freeze and the imposition of higher fees for admission into certain units of the Park System. Last Congress, the Committee reported a measure increasing fees and lifting the statutory freeze. While the Senate passed the measure late in the 99th Congress, no action was taken on the proposal in the House.

However, the fiscal year 1987 Continuing Resolution did include language providing temporary (1 year) authority for the Park Service to increase admission fees to $5 per vehicle or $3 per person and $25 for the Golden Eagle Passport. This action marked the first time that entrance fees had been increased since 1972. Unless the Congress acts to make this authority permanent or extends the authority in a subsequent Appropriations Act, the language in the Continuing Resolution expires by its own terms on September 30, 1987.

There have been many entrance fee proposals generated over the past few years. While the measures differ on some specifics, the broad outline appears to be fairly well established. Generally, each of these measures would:

—permit the National Park Service to charge entrance fees up to pre-determined caps;

—make the funds available, as directly as possible, to the Park Service and/or the parks to enhance various park operations;

—consider fee revenue as a supplement for the funding of park programs rather than as an offset against other appropriated funds;
—distribute the fee revenues so that all parks benefit but include some extra incentive for those parks collecting fees by giving them an additional portion of the revenue; and
—provide for some exceptions to the general rules that would prohibit certain parks or classes or parks from charging fees.

In addition to the fee provisions, H.R. 1320, as passed by the House, reauthorizes funding for the Land and Water Conservation Fund at its existing level ($900 million) for 25 years. The current authorization for the fund expires at the end of fiscal year 1989.

Legislative History

H.R. 1320 passed the House by a vote of 416 to 5 on April 1, 1987. The Subcommittee on Public Lands, National Parks and Forests conducted a hearing on this measure on April 27.

At a business meeting on June 10, 1987, the Senate Committee on Energy and Natural Resources ordered H.R. 1320, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on June 10, 1987, by unanimous vote of a quorum present recommends that the Senate pass H.R. 1320, if amended, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers*	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Melcher	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Fowler	
Mr. Conrad*	
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker*	
Mr. Domenici*	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles*	
Mr. Hecht	
Mr. Evans	

*Indicates voted by proxy.

COMMITTEE AMENDMENT

During the consideration of H.R. 1320, the Committee adopted an amendment in the nature of a substitute. The substitute is similar in many respects to the House-passed bill. A brief discussion of the major provisions of the substitue and how these provisons differ from the House bill follows. Additional information on various provisions of the substitute is provided in the "Section-by-Section Analysis" portion of this report.

MAJOR PROVISIONS OF THE COMMITTEE SUBSTITUTE

1. Fee Levels

In general, maximum fee levels are set at $3 per person for walk-in parks and $5 per vehicle for vehicle access parks. The charge for the Golden Eagle Passport would be $25. An annual park pass for admission into a park or group of parks would be available for $15. These general fee levels are the same as the House-passed bill. As passed the House, H.R. 1320 would permit the imposition of higher entrance fees ($10 per vehicle or $5 per person) at three parks—Grand Teton, Yellowstone, and Grand Canyon. The Committee substitute includes Grand Teton and Yellowstone but added Glacier National Park instead of Grand Canyon.

2. Urban Parks

The fee exemption in the House-passed bill for certain units of the Park System located in "urban areas" has been replaced with language exempting park units which provide significant outdoor recreation opportunities in an urban environment where access is available at multiple locations. This is the language currently included in the Continuing Resolution. The Committee feels that this language will prohibit the imposition of an entrance fee at the large urban based recreation areas while permitting the collection of such fees at more appropriate units located in an urban setting.

3. Revenue Allocation

Under the substitute, the fee revenues would be distributed back to the fee collecting agencies or the various park units as proposed in the House bill with two differences. Some flexibility would be given to the Director of the National Park Service to allocate a small portion of the park fee revenues (15 percent) to units of the Park System. In the House-passed version, 100 percent of the revenue would go back to specific park units on the basis of a formula. The Committee believes that some flexibility in the use of this revenue is desirable. However, the Committee wants to make it clear that the money is to be used for projects at Park System units—not for administrative purposes in the Washington or Regional offices.

The House-passed bill exempts the Fish and Wildlife Service (USFWS) from the requirement that recreation fee revenue be credited into a special account in the Treasury. This exemption was made in recognition of the fact that the Fish and Wildlife Service has existing statutory authority for the allocation of fee revenue collected at units of the Fish and Wildlife Refuge System. The Committee agrees with this exemption and is aware that certain

other Federal agencies also have specific existing statutory authority for the distribution or use of all or a portion of the fee revenues they collect. In addition, the Tennessee Valley Authority (TVA), for example, has authority pursuant to its Organic Act to collect and retain certain recreation fees. The Forest Service and the Bureau of Land Management share a portion of the recreation fees they collect with States and counties under existing law.

In an effort to deal with these types of situations, the Committee substitute added the phrase, "Except as otherwise specifically provided by law" to the subsection providing for the allocation of fee revenues to the newly created special account in the Treasury. This language will insure, for example, that the USFWS and the TVA will continue to allocate and distribute fees in accordance with their existing authorities. Likewise, revenue sharing programs of the Bureau of Land Management and Forest Service which utilize a portion of the recreation fees collected by those agencies will not be affected. This language ensures that the recreation fee revenue collected by Federal agencies pursuant to section 4 of the Land and Water Conservation Fund Act and not already allocated for specific purposes pursuant to existing law will be credited to this new account in the Treasury.

4. Repeal of Statutory Prohibitions on Fees

Unlike the House-passed bill, the several specific statutory provisions included in previous park legislation prohibiting fees at certain units of the National Park System; e.g., units established pursuant to the Alaska National Interest Lands Conservation Act, Point Reyes National Seashore, and Mount Rushmore National Memorial, would *not* be repealed. The Committee felt that these specific expressions of congressional intent regarding individual park units should not be overturned. The Committee also notes, however, that under the House approach, fees would not be charged at most of these areas even if the prohibitions were repealed because of a variety of other criteria and factors.

5. Appropriation of Fee Revenue

The substitute amendment provides that the revenues collected from fees are to be made available, without further appropriation to the fee collecting agencies from the purposes set forth in the legislation. The House-passed bill makes these revenues subject to the appropriation process.

6. Miscellaneous Provisions

The substitute also contains several miscellaneous provisions not included in the House version:

(a) language authorizing an annual "fee-free day" at parks which charge an admission fee;

(b) language exempting persons 16 and under from paying an entrance fee as well as individuals comprising organized school groups visiting parks for educational purposes; and

(c) language limiting the amount of the entrance fee that may be charged at units of the Park System where visitors must pay a fee to a concessioner to get access to the unit in the first place.

7. Land Water Conservation Fund Reauthorization

The substitute amendment reauthorizes the Land and Water Conservation Fund for 25 years at $1 billion annually. The current authorization of $900 million per year is set to expire at the end of fiscal year 1989. The house-passed bill reauthorized the fund for the same period at the existing level. The language in the substitute regarding the LWCF has already been agreed to by the Committee. S. 84 was reported unanimously by the Committee on June 11.

Section-by-Section Analysis

Section 1 provides that this Act may be referred to as the "Land and Water Conservation Fund Act Amendments of 1987".

Section 2(a)(1) authorizes an increase in the Golden Eagle Passport from $10 to $25.

Section 2(a)(2) authorizes the establishment of an annual admission permit for a specific park or group of parks at a fee not to exceed $15. The annual admission permit would carry the same terms and conditions as the Golden Eagle Passport except that the permit would only be applicable to the park or parks designated at the time of purchase.

Section 2(a)(3) provides that the single-visit permit at any designated national park unit shall not exceed $5 per vehicle for those entering by private noncommercial vehicle and $3 per person for those entering by other means.

The Committee seeks to assure that entrance fees are maintained at a fair and reasonable level. It is the Committee's intent that such fees shall not dissuade use of national park units by the public. The $5 per vehicle and $3 per person are the maximum that can be charged. The Committee fully expects the National Park Service to be able to justify the proposed entrance fee at any particular national park unit based on the criteria contained in section 4(d) of the LWCF Act (including, but not limited, to, consideration of the public policy or interest served, the benefits to the recipient and the differences in recreational opportunities offered at individual park units) and set the fee accordingly within the maximums contained in this legislation.

The Committee understands and concurs in the NPS policy of permitting Native Americans (including Hawaiian Natives) free entry into NPS fee areas for religious purposes.

The Committee is also aware that some controversy has arisen regarding the charging of an entrance fee for those persons who cross park lands in a vehicle for non-recreational, non-commercial, commuting purposes. This issue has been especially contentious at Zion National Park and Cedar Breaks National Monument in Utah where the Park Service began charging a fee for this purpose earlier this year. The Service has since discontinued this practice.

The Committee is opposed to charging fees in these circumstances at national parks in Utah or elsewhere. The Committee has received a letter from the National Park Service dated June 15, 1987, clarifying its positions on this issue (see Executive Communications). According to this letter, the policy of the National Park Service is not to charge admission fees for non-recreational, non-

commercial traffic travelling through units of the National Park System. This policy is the same regardless of whether the road is a component of the Federal-Aid Highway System (which is specifically prohibited in the existing provisions of the Land and Water Conservation Fund Act) or a road built and maintained with funds of the National Park Service. The Committee concurs in this policy and plans to monitor its implementation carefully.

Section 2(a)(4) provides that an admission fee may not be charged at any unit of the National Park System which provides significant outdoor recreation opportunities in an urban environment and to which access is publicly available at multiple locations. The Park Service has identified the following units of the System which meet these criteria: Chattahoochee River, Chickasaw, Cuyahoga Valley, Gateway, Golden Gate, and Santa Mountains NRA's; Indiana Dunes National Lakeshore; and Greenbelt Park.

Section 2(a)(5) paragraph 6 directs that within 60 days of enactment the Secretary shall submit to the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources a list of parks showing the admission fee proposed to be charged at each unit. The legislation requires that the Secretary establish and include in the report an explanation of the guideline used in applying the fee criteria contained in section 4(d) of the LWCF Act. Further, it requires a 60-day notification period to the Committee before any changes in the report can take effect.

The Committee expects the Secretary, in his report to the Committee, to fully justify both the imposition of an entrance fee at a specific park unit, as well as the level of the fee proposed to be charged.

Section 2(a)(5) paragraph (7) specifies that no admission fee may be charged at any unit of the National Park System for admission of any person 16 years of age or less.

Section 2(a)(5) paragraph (8) provides for fee admission to organized school groups or outings conducted for education purposes by schools or other bona fide institutions.

Section 2(a)(5) paragraph (9) prohibits the imposition of an entrance fee at Statue of Liberty National Monument, U.S.S. *Arizona* Memorial and Independence National Historical Park.

Section 2(a)(5) paragraph (10) directs the Secretary to provide for an annual entrance fee-free day at each units of the Park System charging an entrance fee. This day is to occur during periods of high visitation.

Section 2(a)(5) paragraph (11) authorizes a single visit entrance fee of up to $10 per vehicle or $5 per person at three specific park units: Yellowstone, Grand Teton, and Glacier National Parks. In the case of Yellowstone and Grand Teton, persons paying an entrance fee at one park need not pay to enter the other.

For purposes of distributing revenues from fee receipts collected at Yellowstone and Grand Teton, the Committee expects the funds to be allocated separately between the two park units on the basis of attendance at the respective unit.

Section 2(b) modifies section 4(f) of the LWCF Act to eliminate a duplicative and inconsistent provision regarding the creation of a special account and use of funds from that account for outdoor recreational purposes.

Section 2(c), paragraph (i) directs that, except as otherwise specifically provided by law, all receipts from fees collected pursuant to this Act by any Federal agency shall be covered into a special accounts shall be available, without further appropriations, for resource protection, research, interpretation and maintenance at outdoor recreation facilities managed by the particular agency.

A specific provision was included in the substitute directing that monies collected by the Bureau of Land Management form the issuance of permits for water-based recreational activities are to be used by that agency specifically for the on-the-ground enhancements of such activities.

Amounts covered into the special account established for the National Park Service shall be available, without further appropriation for the following purposes: (1) for receipts from entrance fees, the funds are limited to resource protection, research, and interpretation at units of the National Park System and (2) for receipts derived from user fees, funds are available for resource protection, research, interpretation and maintenance related to resource protection at units of the National Park System.

It is the Committee's strong belief that fee receipts should not be used as an offset against general appropriations. Fee receipts are being provided to the collecting agency as a supplement to the funds normally appropriated and should not be used as a substitute for all or portion of those funds.

Section 2(c) paragraph (j) provides that funds available to the National Park Service from the special account established by the Act are to be allocated on the basis of 35 percent of the funds to all units of the National Park System based on each unit's portion of operating expenses; 50 percent to units collecting fees based on each collecting unit's proportion of total fee collections; and 15 percent allocated to park units by the Director on the basis of need.

Under this distribution system, all fees collected are to be returned to individual park units to enhance operational and resource protection efforts. The formula is intended to ensure that non-collecting park units receive a fair and reasonable portion of the fee receipts, while at the same time providing an extra measure of funds to those units where fees are actually collected.

Section 2(c) paragraph (k) authorizes the use of volunteers to collect fees and sell permits, subject to the volunteers being bonded and receiving adequate training. It permits the Secretary to enter into agreements with third parties to sell at no cost to the Government, annual admission permits (including the Golden Eagle Passport). It requires that the cost of such permits shall be paid in advance to the Government.

The Committee received testimony from the National Park Service regarding the possibilities of marketing annual admission permits through third parties. Within the confines of the legislative language, the Committee believes that this would be an acceptable way of advancing the permits availability to the public.

Section 2(c) paragraph (l) permits the Secretary, in those parks with transportation systems, to impose a transportation fee in lieu of an entrance fee. It provides a formula for distributing funds collected at parks with a transportation fee.

At present, this provision is primarily applicable to Denali National Park in Alaska. Under the Committee substitute, admission fees are not permitted at Denali or any other unit of the Park System in Alaska since the substitute did not repeal the prohibition on such fees contained in the Alaska National Interest Lands Conservation Act of 1980.

The Park Service does, however, charge for a transportation service at Denali—a shuttle bus system from the Visitor's Center to Wonder Lake. This provision would permit the Park Service to charge for this service at a rate not to exceed the maximum admission fee provided in subsection (a).

Section 2(c) paragraph (m) limits the amount of the admission fee that may be charged at units of the park system where access to the park is provided, for a fee, by a concessioner. These situations most commonly involve island parks where access is by boat. This provision assures that the total of the admission fee, if changed, added to the fee charged by the concessioner for transportation, will not exceed the maximum admission fee under subsection (a). The Committee is aware that the practical effect of this provision will be to eliminate admission fees at units of the System where access is provided by a concessioner since most the concessioner fees currently exceed the maximum admission fee permitted under this subsection (a).

Section 2(d) strikes the provision of Public Law 96-514 that requires all receipts from recreation fee collections be deposited in the Land and Water Conservation Fund.

Section 2(e) repeals the freeze on entrance fees to National Park units contained in section 402 of the Act of October 12, 1979.

Section 2(f) authorizes a 3-year study and report by the Secretary on the feasibility of adjusting entrance fees to encourage alternative transportation usage and visitation at off-peak times.

Section 3(a) reauthorizes the Land and Water Conservation Fund for a period of 25 years at $1 billion annually.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

June 19, 1987

Honorable J. Bennett Johnston, Jr.
Chairman
Committee on Energy and Natural Resources
United States Senate
364 Dirksen Senate Office Building
Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

The Congressional Budget Office has prepared the attached cost estimate for H.R. 1320, the Land and Water Conservation Fund Act Amendments of 1987.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

James Blum

for Edward M. Gramlich
Acting Director

cc: Honorable James A. McClure
Ranking Minority Member

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

June 19, 1987

1. BILL NUMBER: H.R. 1320

2. BILL TITLE: Land and Water Conservation Fund Act Amendments of 1987

3. BILL STATUS:

As ordered reported by the Senate Committee on Energy and Natural Resources, June 10, 1987.

4. BILL PURPOSE:

H.R. 1320 would authorize appropriations into the Land and Water Conservation Fund for fiscal years 1990 through 2015 in the amount of $1 billion a year. (Such appropriations are currently authorized through 1989—at a level of $900 million a year.) In addition, the act would revise provisions in the Land and Water Conservation Fund Act relating to recreation fee collection, distribution and use. H. R. 1320 would also increase permanently the statutory maximum price that may be charged for Golden Eagle Passports and for entrance fees to units of the National Park Service (NPS). Additional new fees for other services and annual admission would also be permitted.

The act would require that all fees collected under the Land and Water Conservation Fund Act by any federal agency be covered into special funds in the U.S. Treasury, to be available without appropriation to the collecting agency in the year following receipt. Sections of the act that now require these amounts to be deposited in the Land and Water Conservation Fund and that prohibit the imposition of new NPS fees or fee increases would be repealed. Amounts made available as direct spending would be used for resource protection and related NPS expenses.

Finally, the bill would prohibit the imposition of fees at certain parks or for children under 17 years of age and also would direct the NPS to permit one annual free day during a heavy visitation period.

5. ESTIMATED COST TO THE FEDERAL GOVERNMENT:

(by fiscal years, in millions of dollars)

	1988	1989	1990	1991	1992
DIRECT SPENDING EFFECT:					
Offsetting Receipts:					
Estimated Budget Authority	-35	-35	-34	-34	-35
Estimated Outlays	-35	-35	-34	-34	-35
New Direct Spending:					
Estimated Budget Authority	—	100	101	102	103
Estimated Outlays	—	80	101	102	103
Total Direct Spending Effect:					
Estimated Budget Authority	-35	65	67	68	68
Estimated Outlays	-35	45	67	68	68
REQUIRING APPROPRIATIONS ACTION:					
Collection Costs:					
Estimated Authorization Level	6	6	5	6	6
Estimated Outlays	5	6	5	6	6
NET BUDGET IMPACT:					
Estimated Budget Authority/ Authorization Level	-29	77	72	74	74
Estimated Outlays	-30	51	72	74	74

The costs of this bill fall within budget function 300.

Basis of Estimate:

For purposes of this estimate, CBO has assumed that new fee collections under Section 2 will begin as of the effective date specified in Section 4 (October 1, 1987), and that the Administration will exercise the authority provided in the act to assess new fees and raise existing ones. All recreation fees collected after that date (including those permitted under existing law) would be deposited into the newly created special funds.

H.R. 1320 would increase the maximum price of Golden Eagle Passports from $10 to $25 per year. This provision is expected to increase federal receipts by about $2 million a year beginning in fiscal year 1988.

Section 2 would also permit the NPS to establish an annual fee for entrance to one or several park units in an area. CBO estimates that this provision would generate additional receipts of about $2 million a year, beginning in fiscal year 1988.

By repealing the prohibition against new entrance fees and raising the maximum entrance fee to $5.00 per vehicle (or up to $10 for specified park units), the bill would generate additional receipts of about $30 million in fiscal year 1988 and each year thereafter. Before changes enacted in Public Law 99-591, the NPS earned about $8 million a year on entrance fees, which were capped at $3.00 per vehicle. Under Public Law 99-591, entrance fee receipts are estimated to bring in an additional $17 million in 1987, for a total of $25 million. In the absence of new legislation, NPS entrance fees would fall back to about $8 million beginning in 1988. Enactment of H.R. 1320 would permit the agency to continue and add to the fee structure instituted for 1987 in future years. Also, a new provision allowing the NPS to charge for certain transportation services is expected to yield an additional $1 million a year. Total additional receipts are estimated to be about $34 million to $35 million a year, relative to current law.

CBO's estimates include the effect of various fee prohibitions in the bill. The impact of an annual free day, however, has not been estimated because the effect is not expected to be significant.

Because the agency would be charging fees at new locations (rather than just raising existing fees), additional funding to cover new collection costs, estimated to be about $6 million, would be needed for each year beginning in fiscal year 1988.

H.R. 1320 would amend the Land and Water Conservation Fund Act to permit all recreation fees earned by federal agencies to be available without further appropriation in the year following their deposit into special Treasury funds. Beginning in fiscal year 1989, this provision would create estimated new budget authority of about $100 million, which would increase by about $1 million each year after that. Of the new fiscal year 1989 budget authority, about $65 million would be realized from receipts earned under existing law and $35 million would result from receipts generated by the provisions of the bill.

All of the above estimates are based on information obtained from the NPS. These estimates reflect the assumption of no change in visitation patterns over time, because the changes resulting from the bill are not expected to have a significant net effect on visitation patterns.

6. ESTIMATED COST TO STATE AND LOCAL GOVERNMENTS: None.

7. ESTIMATE COMPARISON: None.

8. PREVIOUS CBO ESTIMATE:

On March 31, 1987, CBO transmitted a cost estimate for H.R. 1320 as ordered reported by the House Committee on Interior and Insular Affairs. Our estimate of the Senate bill differs from that earlier version in the following ways: (1) Receipts (and direct spending) are increased by the Senate's modification of the urban park fee prohibition, which is less restrictive than the House bill. (2) Collection costs would be about $1 million higher under the Senate bill because more urban parks would be collecting fees. (3) The CBO estimate of the House version contains receipt figures for 1990 and 1991 that are incorrect and overstate receipts attributable to the bill by nearly $70 million in each of those years. The other differences in the two bills would have little or no impact on either receipts or spending.

9. ESTIMATE PREPARED BY: Deb Reis (226-2860)

10. ESTIMATE APPROVED BY:

for James L. Blum
Assistant Director
for Budget Analysis

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1320. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1320, as reported.

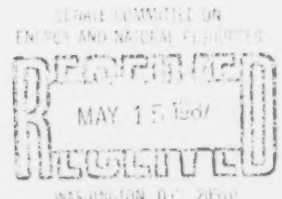
Executive Communications

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to H.R. 1320 is set forth below:

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 15 1987



Honorable J. Bennett Johnston
Chairman, Committee on Energy and
Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request for our views on H.R. 1320, the "Land and Water Conservation Fund Act Amendments of 1987," with respect to the national park entrance fee provisions.

We strongly recommend the enactment of the Administration's proposed legislation regarding the National Park Service fee portion of this proposal, which we submitted to the Congress on February 27. We also strongly support H.R. 1320, a similar measure which passed the House of Representatives on April 1, with certain key amendments.

If the President's budget and our proposed legislation were enacted by the Congress, the National Park Service would have the largest operating budget in its history -- $715 million. Under the Administration's proposal, all fees collected -- an estimated $58.3 million in entrance fees and $16 million in user fees -- would be used to supplement Park Service programs. Specifically, the fees would be used for costs of collection, resource protection, research, interpretation, and related maintenance activities at the collecting park, and for resource protection, research, interpretation, and related maintenance at all units of the National Park System. Under the Administration's proposal, receipts from fees would comprise approximately 10 percent of available Park Service operating funds, as compared to 3 percent in fiscal year 1986 and 8 percent under the temporary authority provided for fiscal year 1987 under the Continuing Resolution, Public Law 99-591.

The fees we propose are reasonable, they are needed, and they represent a responsible way to provide a high degree of interpretation, research, and resources protection at the parks in times of fiscal austerity.

Under our proposal:

- The freeze on park entrance fees would be repealed, permitting entrance fees to be set administratively in accordance with the criteria in section 4 of the Land and Water Conservation Fund Act of 1965.

- Single-visit entrance fees would be limited to $10 per vehicle or $5 per person, where entry is by means other than private vehicle. The $10 admits the driver and everyone accompanying the driver for a minimum of seven days. In fiscal year 1988, we are proposing 11 parks for the $10 vehicle charge, 15 parks for a $5 per vehicle charge, and at 130 parks the charge would be $3 or less, with most charging only $1.

- No entrance fees would be charged at 182 parks.

- The Golden Eagle Passport would be increased to $40, and park-specific annual passes would be offered at not more than $25.

- The Golden Age Passport, now issued free of charge, would cost a one-time fee of $10.

- Volunteers and contractors would be authorized to collect fees, freeing park rangers to provide more and better interpretive services directly to the park visitor.

- For 10 years, all entrance and user fees would be available, without further appropriation, for specific Park Service operational needs.

Under the Continuing Resolution, fees are deposited in the General Fund of the Treasury to repay an appropriation of $54 million. Before that, the fees were deposited in the Land and Water Conservation Fund, where they were subject to appropriation for Federal land acquisition and matching grants to States. Under our proposal, all fees would be guaranteed to be used for park operation purposes.

H.R. 1320 deals somewhat differently with park fees. While we acknowledge that there are differences in degrees, we believe it is important first to point out the similarities among the Continuing Resolution, our proposal, and H.R. 1320:

- First, the Continuing Resolution, H.R. 1320, and the Administration's bill represent a consensus in favor of users assuming a greater share of the cost of enhanced park operational programs;

- Second, there appears to be broad agreement that the emphasis should be on our priorities, which include interpretation, research, resource protection, and maintenance related to resource protection; and

- Third, there is agreement that park entrance fees should be increased in reasonable amounts, with 100 percent of the fees being used for park operations.

These principles are the foundation of our proposal, and with them as a basis for a fee policy, the differences between our proposal and H.R. 1320, as passed by the House of Representatives, should be easily resolved.

Specifically, we recommend the following amendments to H.R. 1320.

1. Eliminate the prohibition on new entrance fees at parks in urbanized areas.

   We are sensitive to concerns that entrance to some units of the National Park System should be free. Our proposal would exempt urban areas providing significant outdoor recreation opportunities and where there are multiple access points. Our purpose is twofold: to recognize Congressional intent that the urban recreation areas provide open space for city residents and to recognize the management difficulty in charging admission fees where there are multiple public access points. These urban recreation areas are not the same as the parks in "urbanized" areas cited in H.R. 1320, which would cover a far broader category than we intend, with a resultant decrease in fee receipts. The definition of "urbanized area" in H.R. 1320 would eliminate 26 parks from entrance fee collection. This would result in a loss of approximately $8.4 million. It would also deprive these 26 parks of the supplemental funds that would be generated by the new fees.

   We believe strongly that exemptions should not be granted on the basis that one site is thought to be more important than another. The Congress has set forth criteria for charging fees in the Land and Water Conservation Fund Act, and they should be followed. Management considerations, services provided, the cost of operating the area, comparability, and other factors are all required to be considered under the Act. In general, we believe that, where it is feasible to do so, a reasonable entrance fee should be charged.

2. Increase the statutory caps on the amounts that can be charged.

H.R. 1320 would set maximum fee amounts for a single visit at all but three parks of $5 per vehicle or $3 per person, whereas we propose $10 per vehicle or $5 per person as a maximum. When one compares the recreational experience in the parks at $10 per family for a week in the context of a private sector recreational opportunity of more than $20 per family of three to see a ballgame or more than $10 per family of three to see a movie, we conclude that our proposed high of $10 per vehicle for each of 11 parks is reasonable. We must always consider that exemptions and lower fees will mean fewer dollars to supplement park operating programs which continue to experience increased use and demand. Also, the collecting parks themselves would be deprived of a larger share of the income from fees if the fees are lowered.

The $5 per vehicle maximum under H.R. 1320 will result in a loss of approximately $5.4 million per year. The imposition of a $25 Golden Eagle, as provided in H.R. 1320, instead of our recommended $40 change, would result in an annual loss of $1 million. The absence of our recommended one-time charge of $10 for the Golden Age Passport will result in a loss of $1.9 million.

3. Provide flexibility in distributing fee receipts.

Other provisions in H.R. 1320 propose a rigid statutory distribution formula among individual parks for 100 percent of the fee receipts. However, the parks that are favorably positioned to collect a large amount of revenue are often not the areas with the greatest need for additional budgetary resources. We believe that fee receipts should be used to fund certain Servicewide programs, such as the creation of interpretive materials and other park support services that are coordinated from regional and other headquarters offices, at certain minimum levels, with the remainder being available for in-park needs. A statutory formula such as is contained in H.R. 1320, which requires 100 percent of fee receipts to be given directly to the parks, is inconsistent with this concept. We ask you to give us the discretion to fund some park support services out of these supplemental fees and to permit some distribution to parks based on need.

4. Make fee receipts independent of the appropriation process.

   Under H.R. 1320, the receipts collected will be subject to the appropriation process, whereas the Administration has proposed that these monies be available without further appropriation. We believe that making the fees subject to appropriation will enhance the potential to use fees as offsets to cuts in the budget. The Administration is opposed to such offsets. We strongly recommend that these receipts be available to the National Park Service directly without appropriation, to enhance the resources that basically generate the receipts. Congress has done this with regard to receipts from park housing, from interpretive demonstrations, from historic preservation leases, and, most recently in the Continuing Resolution, with regard to funds received as reimbursement for providing services at Jefferson National Expansion Memorial. In addition, problems with Gramm-Rudman targets, stopgap funding resolutions, and other matters attendant to the budget and appropriation process are avoided if we make fee receipts directly available to the National Park Service.

5. Defer action on extending the Land and Water Conservation Fund.

   Under H.R. 1320, the authorization to appropriate $900 million to the Fund is extended from 1989 to 2015. We are reviewing this issue and we recommend that you defer action on this provision. We will be making substantive positive recommendations on the Fund extension issue at a later time.

Enclosed with this report are some technical amendments to H.R. 1320, which we offer for your consideration.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the Administration's standpoint.

Sincerely,

William P. Horn

ASSISTANT SECRETARY William P. Horn

Enclosure

United States Department of the Interior

NATIONAL PARK SERVICE
P.O. BOX 37127
WASHINGTON, D.C. 20013-7127

IN REPLY REFER TO

L58(180)

[illegible] 15 [illegible]

Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Senator Bumpers:

In accordance with the informal request of Mr. Williams of your staff, I am pleased to be able to clarify and restate our policy with respect to entrance fees for nonrecreational through traffic in units of the national park system.

Where the road through the park is part of the Federal-Aid System, the law is clear. Section 4(a)(3) of the Land and Water Conservation Fund Act of 1965 prohibits an admission fee for travel by private, noncommercial vehicle over any national parkway or any road or highway established as part of the Federal-Aid System, which is commonly used by the public as a means of travel between two places either or both of which are outside the area.

Where the road is not part of the Federal-Aid System, and built and maintained entirely with construction and maintenance funds of the National Park Service, our policy is that no fee will be charged for nonrecreational through traffic use by noncommercial travellers.

For regular commercial use on Park Service maintained roads, regardless of whether the road is part of the Federal-Aid System, we may require a permit and charge a fee, unless the commercial use is in support of park management or concessioner operations.

I hope this information is helpful.

Sincerely,

for William Penn Mott, Jr.
Director

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act, H.R. 1320, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

LAND AND WATER CONSERVATION FUND ACT OF 1965

AN ACT To establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes.

* * * * * * *

CERTAIN REVENUES PLACED IN SEPARATE FUND

SEC. 2. SEPARATE FUND.—During the period ending September 30, [1989] *2015*, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the "fund", the following revenues and collections:

* * * * * * *

(c)(1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than $300,000,000 for [fiscal year 1977, and $900,000,000 for fiscal year 1978 and for each fiscal year thereafter through September 30, 1989.] *fiscal year 1977; $900,000,000 for fiscal year 1978 and each fiscal year thereafter through September 30, 1989; and $1,000,000,000 for fiscal year 1990 and each fiscal year thereafter through September 30, 2015.*

* * * * * * *

ADMISSION AND USE FEES; ESTABLISHMENT AND REGULATIONS

SEC. 4. (a) ADMISSION FEES.— * * *

[(1)] *(1)(A)* For admission into any such designated area, an annual admission permit (to be known as the Golden Eagle Passport) shall be available, for a fee of not more than [$10] *$25*. The permittee and any person accompanying him in a single, private non-commercial vehicle, or alternatively, the permittee and his spouse, children, and parents accompanying him where entry to the area is by any means other than private, noncommercial vehicle, shall be entitled to general admission into any area designated pursuant to this subsection. The annual permit shall be valid during the calendar year for which the annual fee is paid. The annual permit shall not authorize any uses for which additional fees are charged pursuant to subsections (b) and (c) of this section. The annual permit shall be nontransferable and the unlawful use thereof shall be

punishable in accordance with regulations established pursuant to subsection (e). The annual permit shall be available for purchase at any such designated area.

(B) For admission into a specific designated unit of the National Park System, or into several specific units located in a particular geographic area, the Secretary is authorized to make available an annual admission permit for a reasonable fee. The fee shall not exceed $15 regardless of how many units of the park system are covered. The permit shall convey the privileges of, and shall be subject to the same terms and conditions as, the Golden Eagle Passport, except that it shall be valid only for admission into the specific unit or units of the National Park System indicated at the time of purchase.

(2) Reasonable admission fees for a single visit at any designated area shall be established by the administering Secretary for persons who choose not to purchase the annual permit. A "single visit" means more or less continuous stay within a designated area. Payment of a single visit admission fee shall authorize exists from and reentries to a single designated area for a period of from one to fifteen days, such period to be defined for each designated area by the administering Secretary based upon a determination of the period of time reasonably and ordinarily necessary for such a single visit. *The fee for a single-visit permit at any designated area applicable to those persons entering by private, noncommercial vehicle shall be no more than $5 per vehicle. The single-visit permit shall admit the permittee and all persons accompanying him in a single vehicle. The fee for a single-visit permit at any designated area applicable to those persons entering by any means other than a private noncommercial vehicle shall be no more than $3 per person. The maximum fee amounts set forth in this paragraph shall apply to all designated areas.*

(3) No admission fee shall be charged for travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the National Federal Aid System, as defined in section 101, title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside the area. Nor shall any fee be charged for travel by private, noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area. In the Smokey Mountains National Park, unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any part thereof. *Notwithstanding any other provision of this Act, no admission fee may be charged at any unit of the National Park System which provides significant outdoor recreation opportunities in an urban environment and to which access is publicly available at multiple locations.*

* * * * * * *

(6)(A) No later than 60 days after the date of enactment of this paragraph, the Secretary of the Interior shall submit to the

Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report on the entrance fees proposed to be charged at units of the National Park System. The report shall include a list of units of the National Park System and the entrance fee proposed to be charged at each unit. The Secretary of the Interior shall include in the report an explanation of the guidelines used in applying the criteria in subsection (d).

(B) Following submittal of the report to the respective committees, any proposed changes to matters covered in the report, including the addition or deletion of park units or the increase or decrease of fee levels at park units shall not take effect until 60 days after notice of the proposed change has been submitted to the committees.

(7) No admission fee may be charged at any unit of the National Park System for admission of any person 16 years of age or less.

(8) No admission fee may be charged at any unit of the National Park System for admission of organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

(9) No admission fee may be charged at the following units of the National Park System: Statue of Liberty National Monument, U.S.S. Arizona Memorial, and Independence National Historical Park.

(10) For each unit of the National Park System where an admission fee is collected, the Director shall annually designate at least one day during periods of high visitation as a "Fee-Free Day" when no admission fee shall be charged.

(11) In the case of the following parks, the fee for a single-visit permit applicable to those persons entering by private, noncommercial vehicle (the permittee and all persons accompanying him in a single vehicle) shall be no more than $10 per vehicle and the fee for a single-visit permit applicable to persons entering by any means other than a private noncommercial vehicle shall be no more than $5 per person: Glacier National Park, Yellowstone National Park, and Grand Teton National Park. In the case of Yellowstone and Grand Teton, a single-visit fee collected at one unit shall also admit the vehicle or person who paid such fee for a single visit to the other unit.

* * * * * * *

[(f) Except as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees which are collected by any Federal agency shall be covered into a special account in the Treasury of the United States to be administered in conjunction with, but separate from, the revenues in the Land and Water Conservation Fund: *Provided*, That the head of any Federal agency, under such terms and conditions as he deems appropriate, may contract with any public or private entity to provide visitor reservation services, and any such contract may provide that the contractor

shall be permitted to deduct a commission to be fixed by the agency head from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency. Revenues in the special account shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected: *Provided, however,* That not more than forty per centum of the amount so credited may be appropriated during the five fiscal years following the enactment of this Act for the enhancement of the fee collection system established by this section, including the promotion and enforcement thereof.]

(f) The head of any Federal agency, under such terms and conditions as he deems appropriate, may contract with any public or private entity to provide visitor reservation services. Any such contract may provide that the contractor shall be permitted to deduct a commission to be fixed by the agency head from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency.

* * * * * * *

(i) Except as otherwise specifically provided by law, all receipts from fees collected pursuant to this section by any Federal agency (or by any public or private entity under contract with a Federal agency) shall be covered into a special account for that agency established in the Treasury of the United States. Notwithstanding any other provision of law, amounts covered into such special account for each such agency during each fiscal year shall be available without further appropriation for obligation or expenditure by the agency after the end of such fiscal year, to be used for resource protection, research, interpretation and maintenance activities related to resource protection at facilities managed by that agency at which outdoor recreation is available. The preceding sentence shall not apply in the case of fees collected by the National Park Service (or by any public or private entity under contract with the National Park Service). That portion of the special account consisting of revenue from fees collected by the Bureau of Land Management from the issuance of special recreation permits for private and commercial water-based recreational activities (including but not limited to white water rafting, kayaking, and canoeing) shall be expended by such agency for on-the-ground resource protection, visitor services, recreational facilities, and other purposes directly related to such recreational activities. Amounts covered into the special account for the National Park Service during each fiscal year shall be allocated among park system units in accordance with subsection (j) in the first fiscal year after the year in which such funds are covered into the special account. Notwithstanding any other provision of law, such amounts shall be available without further appropriation for obligation or expenditure by the Director of the National Park Service for the following purposes:

(1) In the case of receipts from the collection of admission fees: for resource protection, research, and interpretation at units of the National Park System.

(2) In the case of receipts from the collection of user fees: for resource protection, research, interpretation, and maintenance activities related to resourse protection at units of the National Park System.

(j)(1) Fifteen per centum of the funds made available to the Director of the National Park Service under subsection (i) in each fiscal year shall be allocated among units of the National Park System on the basis of need in a manner to be determined by the Director.

(2) Thirty-five per centum of the funds made available to the Director of the National Park Service under subsection (i) in each fiscal year shall be allocated among units of the National Park System in accordance with paragraph (3) of this subsection and 50 per centum shall be allocated in accordance with paragraph (4) of this subsection.

(3) The amount allocated to each unit under this paragraph for each fiscal year shall be a fraction of the total allocation to all units under this paragraph. The fraction for each unit shall be determined by dividing the operating expenses at that unit during the prior fiscal year by the total operating expenses at all units during the prior fiscal year.

(4) The amount allocated to each unit under this paragraph for each fiscal year shall be a fraction of the total allocation to all units under this paragraph. The fraction for each unit shall be determined by dividing the user fees and admission fees collected under this section at that unit during the prior fiscal year by the total of user fees and admission fees collected under this section at all units during the prior fiscal year.

(k) When authorized by the head of the collecting agency, volunteers at designated areas may sell permits and collect fees authorized or established pursuant to this section. The head of such agency shall insure that such volunteers have adequate training regarding (1) the sale of permits and the collection of fees, (2) the purposes and resources of the areas in which they are assigned, and (3) the provision of assistance and information to visitors to the designated area. The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the collecting agency may be used to cover the cost of any such surety bond. The head of the collecting agency may enter into arrangements with qualified public or private entities pursuant to which such entities may sell (without cost to the United States) annual admission permits (including Golden Eagle Passports) at any appropriate location. Such arrangements shall require each such entity to reimburse the United States for the full amount to be received from the sale of such permits at or before the agency delivers the permits to such entity for sale.

(l)(1) Where the National Park Service provides transportation to view all or a portion of any unit of the National Park System, the Director may impose a charge for such service in lieu of an admission fee under this section. The charge imposed under this paragraph shall not exceed the maximum admission fee under subsection (a).

(2) Notwithstanding any other provision of law, half of the charges imposed under paragraph (1) shall be retained by the unit of the National Park System at which the service was provided. The

remainder shall be covered into the special account referred to in subsection (i) in the same manner as receipts from fees collected pursuant to this section. Fifty per centum of the amount retained shall be expended only for maintenance of transportation systems at the unit where the charge was imposed. The remaining 50 per centum of the retained amount shall be expended only for activities related to resource protection at such units.

(m) Where the primary public access to a unit of the National Park System is provided by a concessioner, the Secretary may charge an admission fee at such units only to the extent that the total of the fee charged by the concessioner for access to the unit and the admission fee does not exceed the maximum amount of the admission fee which could otherwise be imposed under subsection (a).

* * * * * * *

THE ACT OF DECEMBER 12, 1980

(Public Law 96-514)

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

* * * * * * *

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * * * *

FISH AND WILDLIFE AND PARKS

* * * * * * *

LAND AND WATER CONSERVATION FUND

For expenses to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including $7,708,000 for administrative expenses of the Heritage Conservation and Recreation Service during the current fiscal year, and acquisition of land or waters, or interest therein, in accordance with the statutory authority applicable to the State or Federal agency concerned, to be derived from the Land and Water Conservation Fund, established by section 2 of said Act as amended, to remain available until expended, $378,593,000, of which (1) $228,745,000 shall be available for payments to the States in accordance with section 6(c) of said Act; (2) $1,135,000 shall be available to the Bureau of Land Management; (3) $39,416,000 shall be available to the Forest Service; (4) $21,520,000 shall be available to the United States Fish and Wildlife Service; and (5) $80,211,000 shall be available to the National Park Service: *Provided,* That not to exceed $6,000,000 of the amount provided for State assistance may be available as a contingency reserve to be administered by the Secretary to meet unforeseen needs of the States.

[Notwithstanding the provisions of Public Law 90-401, revenues from recreation fee collections by Federal agencies shall hereafter be paid into the Land and Water Conservation Fund, to be avail-

able for appropriation for any or all purposes authorized by the Land and Water Conservation Fund Act of 1965, as amended, without regard to the source of such revenues.]

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SECTION 402 OF THE ACT OF OCTOBER 12, 1979

To authorize the Secretary of the Interior to provide for the commemoration of the efforts of Goodloe Byron to protect the Appalachian Trail, and for other purposes.

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[SEC. 402. Notwithstanding any other provision of law, the Secretary shall not charge any entrance or admission fee in excess of the amounts which were in effect as of January 1, 1979, or charge said fees at any unit of the National Park System where such fees were not in effect as of such date, nor shall the Secretary charge after the date of enactment of this section, user fees for transportation services and facilities in Mount McKinley National Park, Alaska.]

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